

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Mitchell David Holbach,	)	
	)	
Plaintiff,	)	<b>ORDER OF DISMISSAL FOR FAILURE TO</b>
	)	<b>PROSECUTE</b>
vs.	)	
	)	
State of North Dakota,	)	
	)	Case No. 1:11-cv-052
Defendant.	)	

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Plaintiff Mitchell Holbach (Holbach) initiated this action on June 10, 2011, by filing a civil rights complaint under 42 U.S.C. §§ 1983, 1985 and the federal RICO Act, codified at 18 U.S.C. §§ 1961-1968. On June 17, 2011, he filed, inter alia, an application to proceed in *forma pauperis*.

On August 24, 2011, the court issued an order that denied Holbach's application to proceed in *forma pauperis* and further advised Holbach that his complaint would be dismissed without prejudice if he did not pay the requisite filing fee within thirty (30) days. See Docket No. 8.

On August 30 and September 12, 2011, Holbach filed what the court construed as motions for reconsideration. See Docket No. 9. The court denied these motions on October 6, 2011. See Docket No. 13.

Ninety-six (96) have lapsed since the court first denied Holbach's application to proceed in *forma pauperis*. Fifty-three (53) days have lapsed since the court denied Holbach's motions for reconsideration. Holbach has yet to remit his filing fee as directed. Accordingly, the above-entitled action is hereby **DISMISSED** without prejudice for failure to prosecute.

Dated this 28th day of November, 2011.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court